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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 29 AUGUST 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour of addressing you to request that the note verbale enclosed herein (see annex) be circulated as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX

[Original: Spanish]

Note verbale dated 26 August 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Mission of the United States to the United Nations and wishes to refer to the incident that took place at John F. Kennedy Airport in the terminal of the United States airline Northwest Airlines on 17 August 1996, from 12.30 to 3 p.m., when the Permanent Representative of Cuba to the United Nations, Ambassador Bruno Rodríguez Parrilla, was preparing to board flight NW0017, bound for Tokyo.

Airport officials and authorities, exerting pressure and threatening to prohibit him from boarding, repeatedly tried to open and search the Cuban Permanent Representative's luggage without offering any technical explanations whatever, despite the fact that the luggage had been scanned by the X-ray equipment and no irregularities had been found. These officials tried to justify this attempted search on the basis of general instructions issued by United States authorities. After several incidents, and after all the passengers had boarded on time, the Cuban Ambassador was allowed to board the aircraft, the flight having been detained for 35 minutes past its scheduled departure time. Officials from the United States Mission to the United Nations and the airline maintained that they were just following the security procedures established by the Federal Bureau of Investigation (FBI). Attached hereto is a factual account of the incidents (see appendix).

The repeated attempts and pressure to search the Ambassador's personal luggage manually represent a gross violation of the privileges and immunities granted to diplomatic personnel by a number of international instruments, in particular the Vienna Convention on Diplomatic Relations, the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

The most important point is that this was an attempt to enforce special, selective and discriminatory measures on a passenger merely on account of his status as a diplomat from the Republic of Cuba.

On 14 August, that is to say, three days before this incident, Mrs. Yamira Cueto, a Counsellor with the Permanent Mission of Cuba to the United Nations, in an official interview with two members of the United States Mission to the United Nations, Mr. Harry M. Allen and Mr. Russell F. Graham, advised these officials of the Cuban Permanent Representative's forthcoming trip and of reports being circulated in the United Nations about flight security measures taken by United States authorities, such as the preparation of a list of countries allegedly linked to terrorism, whose nationals would be subject to special, discriminatory and selective measures at United States airports. At

that point, United States Mission officials were directly advised that the Permanent Representative of Cuba and the other diplomats attached to the Permanent Mission of Cuba to the United Nations would accept no violations of their privileges and immunities on that account. The United States Mission officials gave their assurances that such privileges and immunities would continue to be respected and that no problem whatsoever would arise in the course of the Cuban Permanent Representative's announced trip.

Three days after this meeting, attempts were made to subject the Permanent Representative of Cuba to an unacceptable procedure. As shown by the attached photocopy, as soon as he had checked in with his ticket and luggage and had produced his passport, his boarding pass was crudely marked and, from that point on, attempts were made to impose the procedure described above.

The Permanent Mission of Cuba to the United Nations expresses its strong protest and will continue, as always, to insist on the observance of the privileges and immunities of its diplomats.

The Permanent Mission of Cuba to the United Nations calls for the immediate elimination of any special, discriminatory or selective procedures as regards boarding routines for Cuban diplomats and deems it a responsibility of the Government of the United States of America, as host country of the United Nations, to comply with its legal obligations, in particular those relating to the recognition and observance, throughout its territory and by all its federal and local institutions, of the diplomatic privileges and immunities granted to diplomatic officials and representatives of Member States pursuant to the Vienna Convention on Diplomatic Relations, the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the Mission of the United States to the United Nations the renewed assurances of its highest consideration.

APPENDIX

Factual account of the incidents

The Permanent Representative of Cuba followed the usual routine for checking in with his ticket and luggage at the airline counter at 12.30 p.m. and, as he entered the gate area at 1.20 p.m., the security officer at the entrance to that area called him over and took his boarding pass, handing it to another officer in the hand luggage inspection area who, after an unnecessary delay, kept the boarding pass and accompanied the carry-on luggage as it went through the scanning equipment. Then, without giving any explanation whatever, he told the Permanent Representative of Cuba that he had instructions to search his hand luggage manually. In reply, the Permanent Representative said that, since there was no justification for such a search, he would avail himself of the immunities and privileges granted to him by the Vienna Convention on Diplomatic Relations and the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, and he would not permit a manual search of his hand luggage or of the papers in it.

The officer then told the Permanent Representative of Cuba that he would accompany him personally to Gate 20 for his flight, and he did so, retaining the boarding pass the whole time.

At 1.35 p.m., when they had arrived at the waiting area for Gate 20, the security officer told the Permanent Representative of Cuba that he would seek advice on what to do in this case. At 1.45 p.m., the officer told the Permanent Representative of Cuba that the latter must return to the carry-on luggage inspection area for the luggage to be searched manually. The Cuban Permanent Representative replied that the luggage had already gone through the hand luggage inspection area and had been X-rayed, and that he would insist on making use of his diplomatic privileges and immunities. The officer, in a disrespectful tone of voice, tried to make the Permanent Representative leave the Gate 20 waiting area, but the latter categorically refused to do so.

At 1.55 p.m., another airport security officer approached the Permanent Representative and asked to see his passport, which the latter naturally handed to him.

At 2 p.m., the Permanent Mission of Cuba to the United Nations notified the Mission of the United States to the United Nations by telephone about the incident under way. At 2.09 p.m., the Deputy Permanent Representative of Cuba to the United Nations, Ambassador Pedro Núñez Mosquera, spoke personally with an official of the United States Mission to the United Nations, Ms. Maureen E. Guiney. He described the situation to her and requested an immediate solution.

At 2.05 p.m., when all the passengers had boarded the plane, the Permanent Representative of Cuba was asked to remain in the waiting area.

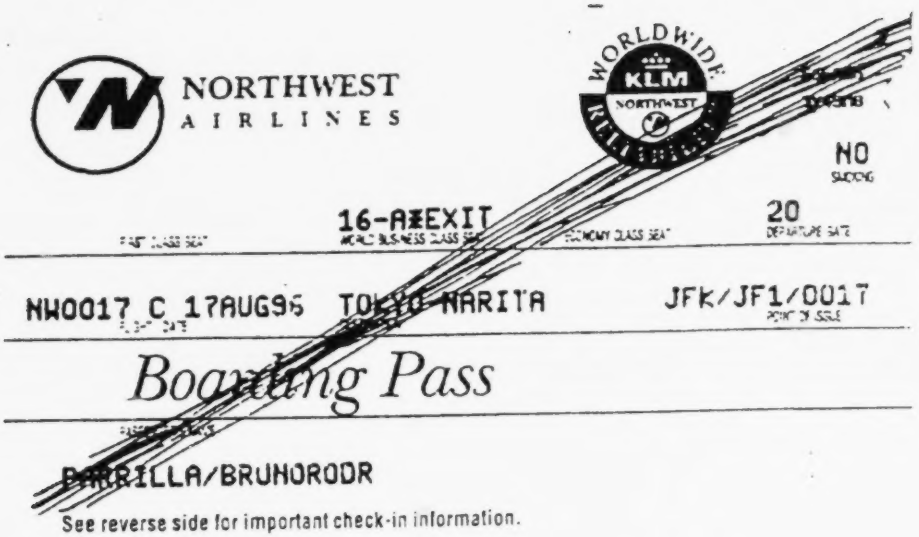
At 2.45 p.m., the Northwest Airlines official responsible for the flight departure asked the Permanent Representative of Cuba to allow his carry-on

luggage to be scanned again. He agreed to this, again accompanying his luggage to the inspection area. After twice X-raying the luggage, the security officers insisted on searching it manually, and again, the Permanent Representative of Cuba refused to agree to this.

At 2.55 p.m., the Permanent Representative of Cuba was asked for his passport and the official identification card provided by the State Department.

At 3 p.m., the boarding pass and identification papers of the Permanent Representative of Cuba were returned to him, and he was allowed to board the aircraft, which had been detained - obviously because of this incident - for 35 minutes past its scheduled departure time. As he boarded, a representative of the airline apologized to him, saying that these instructions had been issued by the Federal Bureau of Investigation (FBI) and had nothing to do with the airline.

At 3.05 p.m., Ms. Maureen E. Guiney, the above-mentioned official of the United States Mission to the United Nations, called the Deputy Permanent Representative of Cuba, Ambassador Pedro Núñez Mosquera, to inform him that the incident had been resolved.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